HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 24256 OF 2006

DATED: 22.11.2006

Between:

Dandu Mahesh Varma

… Petitioner

and

Collector, Kakinada and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.24256 OF 2006

ORAL ORDER:

The petitioner claims to be the owner and in cultivation of an extent of Ac. 2.30 cents of land in Sy.Nos. 112/7 to 112/11 of Lolla village, Atreyapuram Mandal, East Godavari District. An extent of Ac.3.42 cents in the said survey numbers is proposed for acquisition by the issuance of a notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') dated 19.10.2006.

Despite the petitioner's claim to being the owner of the land, his grievance is that his name is not reflected as either the owner or occupier of the land in question in the notification issued under Section 4 (1) of the Act. Urgency clause has not been invoked and the enquiry under Section 5-A of the Act has not been dispensed with. A notice under Section 5-A of the Act has been issued to the person whose name is reflected as the owner and occupier of the land in question, calling him to appear for the enquiry under Section 5-A of the Act scheduled on 27.11.2006, by the 2nd respondent.

The petitioner apprehends that even though he is the owner and is in occupation of the land in question, since he is deprived of an

opportunity to lodge his objections, the land would be acquired by the publication of a declaration under Section 6 of the Act, even without hearing him.

In the circumstances stated above, after hearing the learned Government Pleader for Land Acquisition also, the writ petition is disposed of permitting the petitioner to lodge his objections before the 2nd respondent forthwith. On such objections being lodged by the petitioner, including by enclosing copies of any documents in verification of his claim to being the owner and occupier of the land in question, apart from objections to the acquisition process, the 2nd respondent shall consider the same in the enquiry scheduled under Section 5-A of the Act. On considering the objections, the competent authority shall take a decision and shall communicate the decision whether to proceed with the acquisition or otherwise, to the petitioner by Registered Post Acknowledgment Due. Till such communication of the decision taken under Section 5-A of the Act by the competent authority, the petitioner shall not be dispossessed. There shall be no order as to costs.

GODA RAGHURAM, J

Date: 22.11.2006
Note: CC as soon as possible.
Bo cvm